

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FREDDIE MOTLEY,)
)
 Plaintiff,)
)
 v.) No. 4:07CV00823 ERW
)
 LANCE WOLF, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on defendants' motion to stay this case pursuant to Wallace v. Kato, 127 S. Ct. 1091 (2007). The motion will be granted.

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 for false arrest. Plaintiff has filed this claim while the underlying criminal case against him is still pending in the state courts. See State v. Motley, No. 22051-01878-01 (22nd Judicial Circuit for the State of Missouri).

Discussion

In Wallace v. Kato, the United States Supreme Court held that "the statute of limitations upon a § 1983 claim seeking damages for a false arrest in violation of the Fourth Amendment, where the arrest is followed by criminal proceedings, begins to run at the time the claimant is detained pursuant to legal process." Wallace, 127 S. Ct. at 1100. The Court instructed that where, as here, "a plaintiff files a false arrest claim

before he has been convicted . . . it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended.” Id., 127 S. Ct. at 1098. Otherwise, the court and the parties are left to “speculate about whether a prosecution will be brought, whether it will result in conviction, and whether the impending civil action will impugn that verdict, all this at a time when it can hardly be known what evidence the prosecution has in its possession.” Id. (internal citation omitted).

After careful consideration, the Court finds that the principles established in Wallace v. Kato dictate that further consideration of plaintiff’s § 1983 claims should be stayed until the underlying criminal charges pending against plaintiff are resolved.

Accordingly,

IT IS HEREBY ORDERED that defendants’ motion to stay this matter pending disposition of the state criminal case against plaintiff is **GRANTED**.

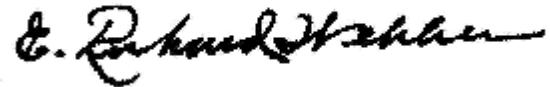
IT IS FURTHER ORDERED that all proceedings in this case are **STAYED** pending final disposition of the criminal charges pending against plaintiff in State v. Motley, No. 22051-01878-01 (22nd Judicial Circuit for the State of Missouri).

IT IS FURTHER ORDERED that plaintiff shall notify the Court in writing concerning the final disposition of the criminal charges pending against him in State v.

Motley, No. 22051-01878-01 , within 30 days after final disposition of the charges is made.

IT IS FURTHER ORDERED that this case is administratively closed pending final disposition of the criminal charges against plaintiff, and may be reopened by plaintiff's filing of a motion to reopen the case after such final disposition.

So Ordered this 3rd Day of December, 2007.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE